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In re Application of ZHOU et al.
Application No.: 10/521,973
PCT No.: PCT/CA03/01189
Int. Filing: 08 August 2003
Priority Date: 16 August 2002
Attorney Docket No.: 102699-102
For: PHOSPHONIUM AND IMIDAZOLIUM
SALTS AND METHODS OF THEIR
PREPARATION

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: DECISION ON PETITION
:
: UNDER 37 CFR 1.47(a)
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This is a decision on applicant's petition under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 15 September 2005, to accept the application without the signature of joint inventor, Yuehui Zhou.

BACKGROUND

On 21 January 2005, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 11 July 2005, a Notification of Missing Requirements (FORM PCT/DO/EO/905) was mailed to applicant indicating *inter alia*, that an oath or declaration in accordance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period was required.


On 16 September 2005, applicant filed the instant petition along with a declaration, executed by the joint inventors on behalf of the nonsigning inventor Yuehui Zhou. The petition under 37 CFR 1.47(a) in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4) requested the acceptance of the application without the signature of inventor, Yuehui Zhou alleging that Mr. Zhou cannot be found or reached to sign the application.

On 28 March 2006, a decision dismissing applicant's petition was mailed indicating that Petitioner had not demonstrated that a *bona fide* attempt was made to present a copy of the application papers for U.S. application 10/521,973 (specification, including claims, drawings, and declaration) to the nonsigning inventor for his signature or what attempts to locate or reach Mr. Zhou were conducted.

On 18 July 2006, Petitioner filed a renewed petition along with a declaration executed by Mr. Zhou. The renewed petition under 37 CFR 1.47(a) is considered moot as a declaration executed by the previously unavailable inventor has now been submitted and is acceptable under 37 CFR 1.497(a) and (b).

For the above reasons, the renewed petition under 37 CFR 1.47(a) is considered **MOOT**. The declaration executed by the joint inventor and submitted on 18 July 2006 is in compliance with 37 CFR 1.497(a) and (b) and is acceptable.

This application is being forwarded to United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **18 July 2006**.



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